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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary
BRUCE YURDIN
Acting Deputy Secretary

Certified Mail - Return Receipt Requested

October 10, 2018

Mr. C. Adam Thornton, Vice President
Transcor Development Corporation
4131 Barbara Loop SE
Rio Rancho, New Mexico 87124

Re: Trancor Mirador Subdivision; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMU001978; September 13, 2018

Dear Mr. Thornton:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the Further Explanation section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469, Santa Fe, New Mexico
87502

P.O. Box 5469, Santa Fe, New Mexico
Mr. C. Adam Thornton
October 10, 2018
NMU001978

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Robert Italiano, NMED Region II by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 7 8 11 12 1 8 0 9 1 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1213/9-13-2018	Permit Effective Date 2-16-2017
Mirador Subdivision, Sherwood Blvd and NM HWY 4, White Rock, New Mexico 87544 Permit (#NMR1001AH) Los Alamos County	Exit Time/Date 1430/9-13-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. David Lopez/Estimator/505-452-0663 fax 505-452-0664 cell 505-273-1313 Mr. Kerby Odegaard/505-452-0663 fax 505-452-0664 cell 505-975-8854	LAT 35.8257 N LONG -106.2175 W SIC 1522	
Name, Address of Responsible Official/Title/Phone and Fax Number	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
C. Adam Thornton, 4131 Barbara Loop SE, Rio Rancho New Mexico 87124/Vice President Transcor Development Corporation/505-338-1438 fax 505-338-1439		

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U Permit	N Flow Measurement	N Operations & Maintenance	N CSO/SSO
U Records/Reports	N Self-Monitoring Program	N Sludge Handling/Disposal	N Pollution Prevention
U Facility Site Review	N Compliance Schedules	N Pretreatment	N Multimedia
N Effluent/Receiving Waters	N Laboratory	U Storm Water	N Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Please see Further Explanations for details.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Daniel Valenta /s/Daniel Valenta	NMED/SWQB 505-827-2575	10/10/2018
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Jennifer Foote /s/Jennifer Foote	NMED/SWQB 505-827-2637	10/10/2018

**Mirador Subdivision
Trancor Development Corporation
NMU001978**

Further Explanations

Introduction

On September 13, 2018 a Compliance Evaluation Inspection (CEI) was conducted by Daniel Valenta of the NMED SWQB accompanied by Sandra Gabaldon. The construction site entails a 50-acre disturbance located at Sherwood Blvd. and NM Hwy 4, White Rock, New Mexico 87544. The Mirador subdivision will consist of 161 planned residential homes. The site is in the process of being graded and leveled. The owner of the project is Trancor Development Corporation and the General Contractor for site development is Guzman Construction Solutions.

An entrance interview was conducted at the site with Mr. David Lopez of Guzman Construction Solutions at approximately 1225 when he arrived at the site on September 13, 2018. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A brief exit interview to discuss the preliminary findings of the inspection was conducted at the site with Mr. David Lopez at approximately 1420 on September 13, 2018. This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by NMED, readily available on-line aerial photographs, on-site observation by NMED personnel, and verbal information provided by the site representative.

The construction site is next to the Canada del Buey which discharges to the Rio Grande AU ID (NM-9000.A_053). The Canada del Buey is an intermittent stream in Water Quality Standard segment 20.6.4.98 in the Rio Grande Basin. The designated uses for this segment are limited aquatic life, livestock watering, wildlife habitat and secondary contact.

Clean Water Act and Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b) (14) (x), as follows: *“Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.”*

Beginning on February 16, 2017 storm water discharges associated with construction activities that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b) (15) (ii).

Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A of the USEPA’s 2017 Construction General Permit (CGP).

**Mirador Subdivision
Trancor Development Corporation
NMU001978**

The 2017 CGP, Definitions, Appendix A, states, “Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (*e.g. in most cases this is the owner of the site*); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (*e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project*).

This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

Per the 2017 CGP 1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline⁷	Permit Authorization Date⁸
Operator of a new site (<i>i.e., a site where construction activities commence on or after February 16, 2017</i>)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (<i>i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017</i>)	No later than May 17, 2017 .	

Finding:

- Almost the entire site has been regraded and prepared for development. It was estimated the disturbance begin around June 20, 2018.
- The site is located next to the Canada del Buey. The US Corps of Engineer has visited the site and determined the Canada del Buey to be a water of the US.
- Transcor Development Corporation is the property owner with day to day control and oversight has not applied for or received a Construction General Permit (CGP).

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1254 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: Entrance to Mirador Subdivision a 50-acre subdivision.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1342 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: East side of subdivision which borders the Canada del Buey a waters of the US.		



NMED/SWQB
Official Photograph Log

Photo # 3

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1351 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: Construction activities have moved dirt up to the edge of the Canada del Buey.		

